IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

Bail Appl..No. 7745 of 2007()

CRIME NO.566/07 OF CHERUTHURUTHY POLICE STATION

PETITIONER:

DEVAKY, AGED 37, W/O.BALAKRISHNAN,
THAZHATHETHIL HOUSE, THOZUPADAM,
THELAPPILLY TALUK.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.REVIKRISHNAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING BY THE S.I. OF POLICE,
CHERUTHURUTHY POLICE STATION.

BY P.P. SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7745 OF 2007

Dated this the 14th day of December, 2007

ORDER

Application for anticipatory bail. The petitioner – a woman, faces allegations in a crime registered for offences punishable under Sec.326 of the IPC. The petitioner's husband is employed abroad. The petitioner is alleged to have gone to the house of the de facto complainant – the victim, and assaulted her. She has suffered fracture on the fifth meta carpel bone. The incident took place on 5/11/07. Till 16/11/07, there was no complaint filed before the police. It was on 16/11/07 that the present First Information Statement has been lodged and the F.I.R. registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The petitioner has a different version to advance. According to the petitioner, the petitioner's husband is

employed abroad. The son of the de facto complainant has been spreading scandals against the petitioner. The petitioner had gone to the house of the de facto complainant to complain to the de facto complainant - the mother of the said miscreant. Instead of giving an ear to the petitioner for her grievance, she was allegedly assaulted. There was a push and pull. Both sides have suffered injuries. The petitioner had been treated at the Government Hospital, Chelakkara as per Annexure-A. But there was an agreement not to complain. The petitioner abided by the said agreement; but belatedly exaggerated allegations have been raised contrary to the understanding by the de facto complainant. It is, in these circumstances, that the petitioner now has to face ordeal of the allegations of crime against her. A lenient view may be taken. The petitioner may not be compelled to endure the undeserved trauma of arrest and detention, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the application. I am satisfied, in the facts and circumstances of this case, that the petitioner can be granted anticipatory bail. Of course appropriate conditions can be imposed in the interests of a fair, efficient and expeditious investigation.

4. In the result, this petition is allowed. Following

directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 21/12/07. She shall be released on regular bail on her executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make herself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 22/12/07. During this period the Investigator shall be at liberty to interrogate the petitioner in custody and take all necessary steps for the proper investigation of the crime. Thereafter, the petitioner shall make herself available for interrogation before the Investigating Officer on all Mondays between 10 a.m. and 12 noon for a period of one month. Subsequently, she shall so make herself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to her surrender on 21/12/07 as directed in clause (i) above, she shall be released on her executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 21/12/07.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge